

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Shaw
Serial No. : 10/762,816
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Title : MEDICAL DEVICES

Art Unit : 3774
Examiner : Alvin J. Stewart
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EVIDENCE REQUIRED TO ESTABLISH COMMON OWNERSHIP
FOR PRIOR ART DISQUALIFICATION UNDER 35 U.S.C. § 103(C)
SUPPLEMENTAL REPLY TO ADVISORY ACTION OF MARCH 22, 2010

Invoking 35 U.S.C. § 103(c) to Disqualify Radisch as Prior Art

Radisch, Jr. et al., U.S. Patent Pub. 2005/0149102 A1 ("Radisch") is not available to preclude patentability under 35 U.S.C. § 103 because the subject matter of Radisch and the subject matter of the instant application were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to the same entity, namely Scimed Life Systems, Inc., which later became Boston Scientific Scimed, Inc.

This statement in compliance with MPEP § 706.02(l)(2)(II). The undersigned is a representative of record, and thus the above statement is sufficient evidence of common ownership due to the paramount obligation of candor and good faith to the USPTO. This statement is also clear and conspicuous, being on a separate piece of paper and under a separately labeled section. Accordingly, Radisch cannot be used under 35 U.S.C. § 103(a) to reject any of the pending claims. Claims 33, 36-40, and 52-57, which were all rejected under 35 U.S.C. § 103(a) using Radisch in combination with other references, are thus in condition for allowance.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: March 25, 2010